

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN C. DICKY,

Defendant.

CR-09-6040-RHW

Preliminary Order of Forfeiture

IT IS HEREBY ORDERED THAT:

As the result of the guilty plea to Count 1 of the Indictment for which the Government sought forfeiture pursuant to 18 U.S.C. § 2253, Defendant, JOHN C. DICKY, shall forfeit to the United States any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

The Court has determined, based on the Defendant's plea agreement, that the following assets are subject to forfeiture pursuant to 18 U.S.C. § 2253, and that the government has established the requisite nexus between such assets described below, and such offenses:

- (a) a HP Pavilion Desktop Computer, serial number US95053224,
 - (c) Viewsonic Computer Monitor - SN#PSWO55171175; and,
 - (e) Female garments used in conjunction with modeling activities;
- seized on February 15, 2008, pursuant to a federal search warrant, from JOHN C. DICKY's residence in Kennewick, Washington.

1 Upon the entry of this Order, the United States Attorney General (or a
2 designee) is authorized to seize the above-listed assets subject to forfeiture,
3 whether held by the defendant or by a third party, and to conduct any discovery
4 proper in identifying, locating or disposing of the property subject to forfeiture, in
5 accordance with 21 U.S.C. § 2253 and Fed. R. Crim. P. 32.2(b)(3).

6 Upon entry of this Order, the United States is authorized to commence any
7 applicable proceeding to comply with statutes governing third party rights,
8 including giving notice of this Order.

9 Pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or
10 Maritime Claims and Asset Forfeiture Actions and 21 U.S.C. § 853(n), as
11 incorporated by 18 U.S.C. § 2253, the United States will post notice of this order
12 on the official government internet site (www.forfeiture.gov) for at least 30
13 consecutive days. The United States may also, to the extent practicable, provide
14 direct written notice to any person known to have alleged an interest in the
15 property that is the subject of the Preliminary Order of Forfeiture, as a substitute
16 for posted internet notice as to those persons so notified.

17 Any person, other than the above-named Defendant, asserting a legal interest
18 in the above-listed property may, within sixty(60) days of the first posting of
19 notice, or receipt of notice, whichever is earlier, petition the court for a hearing
20 without a jury to adjudicate the validity of his alleged interest in the above-listed
21 property, and for an amendment of the order of forfeiture, pursuant to Rule G(5),
22 as incorporated by 21 U.S.C. § 853(n) and 18 U.S.C. § 2253.

23 Any petition filed by a third party asserting an interest in the above-listed
24 property shall be signed by the petitioner under penalty of perjury and shall set
25 forth the nature and extent of the petitioner's right, title, or interest in said property,
26 the time and circumstances of the petitioner's acquisition of the right, title or
27 interest in said property, and any additional facts supporting the petitioner's claim
28 and the relief sought.

1 Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order
2 of Forfeiture is final as to the Defendant at the time of sentencing, and is made part
3 of the sentence and included in the judgment.

4 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c) and
5 before a hearing on the petition, discovery may be conducted in accordance with
6 the Federal Rules of Civil Procedure upon a showing that such discovery is
7 necessary or desirable to resolve factual issues.

8 The United States shall have clear title to the above-listed property following
9 the Court's disposition of all third-party interests, or, if none, following the
10 expiration of the period provided in Rule G(5), as incorporated by 21 U.S.C. §
11 853(n)(2) and 18 U.S.C. § 2253, for the filing of third party petitions.

12 The Court shall retain jurisdiction to enforce this Order, and to amend it as
13 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

14 ORDERED this 14th day of July, 2010.

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17 s/Robert H. Whaley

18 Robert H. Whaley
United States District Judge

19 Presented by:

20 James A. McDevitt
21 United States Attorney

22 s/Stephanie J. Lister

23 Stephanie J. Lister
24 Assistant United States Attorney
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